THE METHOD OF PROCEEDINGS, &c.

THE METHOD OF PROCEEDINGS, IN ORDER TO OBTAIN A Private Act of Parliament.

LONDON:
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M. DCC. LXVII.

The Courſe of the Proceedings in Parliament on Private Bills.

THE firſt Thing to be done is to prepare a Petition to the Lords according to the Caſe, the Form whereof is as follows:

To the Right Honourable the Lords Spiritual and Temporal in Parliament aſſembled.

The humble Petition of Mary Stiles *Widow, and* John Roe, *of* London, *Eſq; on Behalf of themſelves, and of* Margaret Roe *Wife of the ſaid* John Roe, *and of* Mary Fenn, John Fenn, Jane Fenn *and* James Fenn, *Grandchildren of the ſaid* Mary Stiles, *all Infants under the Age of Fourteen Years,*

Sheweth,

That by the Laſt Will and Teſtament of *George Stiles*, late of the *Strand* in the County

of *Middleſex*, Grocer, deceaſed, your Petitioner *Mary Stiles* his Widow, is intitled to a Meſſuage and ſome Land, Part Freehold and Part Copyhold, in the Pariſh of *Twickenham* in the County of *Middleſex*, for her Life; and your Petitioner *John Roe* and *Margaret* his Wife, in right of the ſaid *Margaret*, who is the Daughter of the ſaid *George Stiles*, are intitled to one Moiety of the Reverſion of the Premiſſes, and the ſaid Infants your Petitioner *Mary Stiles*'s Grandchildren, and who are the Grandchildren of the ſaid *George Stiles*, are intitled to the Reverſion of the other Moiety thereof, by Virtue of and under the ſaid Will, which the ſaid Teſtator intended ſhould be divided amongſt them.

That your Petitioners the ſaid *Mary Stiles* and *John Roe*, and his ſaid Wife, and the ſaid Infants, being intitled to the Premiſſes in Manner aforeſaid, it is impracticable to make a Partition thereof; and the ſaid Houſe being conſiderably of the moſt Value, and ſubject to great Repairs, being a large old Houſe, it is clearly the Intereſt of all Parties to make Sale of the Premiſſes as ſoon as poſſible, and *Patrick Fenn*, Eſq; the Father and Guardian of the ſaid Infants hath conſented thereto, but by reaſon of the Minority of the ſaid Children,

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a good Conveyance cannot be made to a Purchaſor till they all attain the Age of twenty-one Years, without the Aid of an Act of Parliament;

Wherefore your Petitioners humbly pray, That Leave may be given to bring in a Bill for the Sale of the Premiſſes, and for veſting the Money ariſing thereby in Truſtees, for the ſame Uſes to which the ſaid Eſtates are given by the ſaid Will of the ſaid George Stiles.

And your Petitioners ſhall ever pray, &c.

Witneſs,

C. S. D. *M. Stiles,*
F. C. B. *John Roe*
for Self and Wife.

This Petition muſt be ſigned by all the Parties concerned in the Conſequence of the Bill, and witneſſed by two Witneſſes.

This being done, the Petition muſt be given to a Lord, who will preſent it to the Houſe; whereupon it is read, and an Order made to refer

fer it to two Judges, or the Petition may be laid on the Table and taken up and read.

This Order you muſt draw up with the Clerk at the Parliament-Office in *Old Palace-Yard*, for which you pay One Guinea. The Form of the Order is as follows:

Die Veneris 7° February 1766.

Upon reading the Petition of *Mary Stiles*, Widow, and *John Roe*, of *London*, Eſq; on Behalf of themſelves, and of *Margaret Roe*, Wife of the ſaid *John Roe*, and of *Mary Fenn*, *John Fenn*, *Jane Fenn*, and *James Fenn*, Grandchildren of the ſaid *Mary Stiles*, all Infants under the Age of fourteen Years, praying Leave to bring in a Bill for Sale of a Meſſuage and Land in the Pariſh of *Twickenham* in the County of *Middleſex*, and for veſting the Money ariſing thereby in Truſtees, for the ſame Uſes to which the ſaid Eſtates are given by the Will of *George Stiles*, Grocer, deceaſed, IT IS ORDERED, by the Lords Spiritual and Temporal in Parliament aſſembled, That the Conſideration of the ſaid Petition be, and is hereby referred to the Lord Chief Baron of the Court of *Exchequer* and Mr. Baron *Adams*, who are forthwith to

ſummon

ſummon all Parties concerned in the Bill; and after hearing them, are to report to the Houſe the State of the Caſe, with their Opinion thereupon under their Hands; and whether all Parties, who may be concerned in the Conſequences of the Bill, have ſigned the Petition; and alſo, that the Judges having peruſed the Bill do ſign the ſame.

Aſhley Cowper, Cler'
Parliamentor'.

The Clerk delivers you this Order with the Petition, of which you are to make two Copies.

Then draw the Bill; and after it is ſettled make two Copies of it, and leave one with each of the two Judges, together with a Copy of the Order of Reference and Petition.

Then get your Witneſſes and attend at the Houſe of Lords, and write a Note of their Names thus:

Witneſſes to be ſworn on Mrs. *Stiles*'s Petition,

George Bruſh,
David Grinley.

Then give this Note to a Door-Keeper, who will carry it in to the Table; and the Witneſſes will then be called in and ſworn at the Bar of the Houſe, for which you pay One Shilling for each to the Uſher of the Black Rod; then take a Certificate of their being ſworn from the Clerk, for which you pay Shillings, and which is in the following Form:

I do hereby certify, that William Smith, *Eſq; was this Day ſworn by me at the Bar of this Houſe, in order to be examined before the Judges, to whom the Petition of Mrs.* Mary Stiles *and Others, for a Private Bill, ſtands referred.*

Houſe of Lords,
10th Feb. 1766. *J. M.*

Then draw a Brief of what is neceſſary to be proved before the Judges, with the Names of the Witneſſes, and get the Witneſſes ready to attend the Judges; for which Purpoſe you muſt get a Time appointed to meet at one of the Judge's Chambers, where you are to attend and get the Witneſſes examined, who are to prove the material Facts, and the ſigning the Petition.

The

The Brief may be in the following Manner:

Houſe of Lords.

For the Petitioners.

On the Petition of Mary Stiles, *Widow, and Others, for a Bill to ſell an Eſtate at* W.

Brief to attend Lord Chief Baron at his Chambers in Serjeants Inn, *on* Friday *the* 10*th of* February *at Six o'Clock in the Afternoon, and Mr. Baron* A.

On the 7th Inſtant *Mary Stiles*, Widow, and *John Roe*, of *London*, Eſq; on Behalf of themſelves, and *Margaret* Wife of ſaid *John*, and of *Mary*, *John*, *Jane*, and *James Fenn*, Infants, Grandchildren of *George Stiles*, deceas'd, preſented their Petition to the Houſe, ſetting forth;

That by the Will of the ſaid *George Stiles*, the Petitioner *Mary* his Widow is intitled to a Houſe and Land at *W.* for Life, and the Petitioner and his Wife to a Moiety of the Reverſion, and the Infants to another Moiety thereof, by Virtue of the ſaid Will.

That the Houſe being of moſt Value, and ſubject to great Repairs, being a large old Houſe, it is clearly the Intereſt of all Parties to ſell as ſoon as poſſible; but during the Minority of the Infants, a good Conveyance cannot be made without the Aid of Parliament.

It is therefore prayed, that Leave may be given to bring in a Bill for Sale of the Premiſſes, and veſting the Money in Truſtees to the Uſe of the Will.

On the ſame Day the Lords referred the Petition to the Lord Chief Baron and Mr. Baron *A.* who are to hear all Parties, and report to the Houſe the State of the Caſe, and whether all Parties to be concerned in the Conſequences of the Bill have ſigned the Petition.

On this Reference the following Facts will be neceſſary to be proved:

1ſt, The Execution of the Will of Mr. *Stiles.*

The Original Will brought from the Commons, proved by *William Smith* a ſubſcribing Witneſs.

2d, To

2d, To prove the Petition ſigned by Mrs. *Stiles* and Mr. *Roe* for himſelf and Wife, and that they conſent for the Infants.	*C. S. D.* *F. C. B.* *George Briſh.*
To prove Mr. *Stiles*'s Grandchildren by his Daughter *Fenn* are all Infants, the eldeſt not fourteen, and the youngeſt not above five.	*George Briſh.* *David Grinley.*
That the principal Part of the Eſtate is the Houſe; that the Land is only a Garden belonging to the Houſe; that the Whole is not worth more than 1300*l.* and that it is much for the Intereſt of all Parties to ſell.	The ſame Witneſſes.
That Mr. *Stiles* intended the Legal Eſtate ſhould be veſted in the Truſtees, who then might have ſold.	See the Will.

N. B. We have Certificates of the Witneſſes being ſworn.

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The Bill being approved by the Judges, and the Witneſſes examined, make a fair Draught Copy of the Bill to be ſigned by the Judges; then draw the Judge's Report, the Form whereof is as follows:

To the Right Honourable the Lords Spiritual and Temporal in Parliament aſſembled.

In Purſuance of your Lordſhips Order of Reference, bearing Date the 7th Day of February *one thouſand ſeven hundred and ſixty-ſix, We have conſidered of the Petition therein mentioned and hereto annexed, and do find,*

That *George Stiles*, on the ſixteenth Day of *September* one thouſand ſeven hundred and fifty-ſix, made his laſt Will, and thereby did give to his Wife the Petitioner *Mary Stiles* for her Life, his Dwelling-Houſe at *W.* in the County of *Middleſex*, with all the Land belonging to him in that Pariſh, whether Freehold or Copyhold; and after bequeathing ſeveral Legacies, he did thereby give all his Lands and

Eſtates whatſoever, not thereby before deviſed or otherwiſe diſpoſed of, to the Petitioner *Mary Stiles*, *Margaret Stiles* his Daughter, *David Grinley* his Nephew, and *Charles Hall*, Eſq; in Truſt to be divided equally, one Moiety to his ſaid Daughter *Margaret Stiles*, and the other Moiety to his Grandchildren by his deceaſed Daughter *Fenn*, to be equally divided amongſt them, Share and Share alike.

And it has been proved before Us,

That the ſaid *George Stiles*, on or about the *ſeventeenth* Day of *December one thouſand ſeven hundred and ſixty-ſix*, died; and that he left the ſaid *Margaret* his Daughter, and *Mary*, *John*, *Jane*, and *James Fenn*, his four Grandchildren, and no other Grandchildren by his ſaid deceaſed Daughter *Fenn*.

And it has been proved before Us,

That the ſaid *Margaret Stiles*, ſince the Death of the ſaid *George Stiles*, hath intermarried with the Petitioner *John Roe*.

And we find,

That by a Matrimonial Contract, bearing Date the *fourteenth* Day of *May* one thouſand

ſand ſeven hundred and ſixty-ſeven, made in ſuch Manner as Deeds or Inſtruments of the like Kind are uſually made in *Scotland*, previous to the ſaid *Margaret Stiles*'s Marriage with the Petitioner *John Roe*, ſhe the ſaid *Margaret Stiles*, with Conſent of the Petitioner *Mary* her Mother, did aſſign, convey, and make over to the Petitioner *John Roe*, his Heirs and Aſſigns, all the Share, Intereſt and Benefit, Right and Title that ſhe then had, or might thenafter deſcend, devolve, or belong to her the ſaid *Margaret Stiles*, of, in or to all or any Part of the Eſtate real or perſonal in *England*, of the ſaid deceaſed *George Stiles* her Father, by Virtue of his laſt Will, bearing Date the ſaid 16th of *September* or otherwiſe.

And we further certify to your Lordſhips, that it hath been proved before Us, that the ſaid *Mary Stiles* and *John Roe* have ſigned the Petition annexed, who are all the Perſons who appear to Us to be concerned in the Conſequence of the Bill; except the ſaid *Mary*, *John*, *Jane*, and *James Fenn*, the Grandchildren of the ſaid Petitioner *Mary Stiles*, on whoſe Behalf the ſame Petitioners have conſented,

That

That inaſmuch as the Premiſſes compriſed in the ſaid Will of the ſaid *George Stiles* cannot be divided, and it being proved before Us, that there is an Opportunity of diſpoſing thereof to Advantage, it appears to Us, that it will be for the Intereſt of all Parties concerned that the ſaid Premiſſes ſhould be ſold, and the Money thereby ariſing veſted in Truſtees, for the ſame Uſes to which the ſaid Eſtates are given by the ſaid Will of the ſaid *George Stiles*; but by reaſon the ſaid *Mary*, *John*, *Jane*, and *James Fenn*, are under Age as aforeſaid, a good Title cannot be made to a Purchaſer, nor the Intentions of the Parties carried into Execution, without the Aid of Parliament.

We have peruſed and ſigned the Bill annexed, which we conceive to be proper for the Purpoſes aforeſaid, and are of opinion it may be reaſonable to paſs into a law, if your Lordſhips ſhall ſo pleaſe.

Then draw a Brief of the Bill for Lord Chancellor to acquaint the Houſe with the Contents of it, and make a fair Copy thereof; the Form is as follows:

The Bill ſets forth,

That *George Stiles* made his Will, dated 16th of *September* 1756. and thereby gave

to his Wife *Mary* for her Life, his Dwelling-Houſe, and all the Land belonging to him in *W. Middleſex*, whether Copyhold or Freehold, and after ſeveral Legacies gave all his Lands, Eſtates, Goods and Chattels not before diſpoſed of, to his ſaid Wife *Mary*, his Daughter *Margaret*, *David Grinley*, and *Charles Hall*, Eſquire, in Truſt, to be equally divided, one Moiety to his ſaid Daughter, and the other Moiety to his Grandchildren by his deceaſed Daughter *Fenn*, Share and Share alike.

The Bill further ſets forth,

That the ſaid *George Stiles* died the 17th of *December* 1766. leaving ſaid

Mary his Widow,
Margaret his Daughter, and
Mary, *John*, *Jane* and *James* } *Fenn*, his Grandchildren by his ſaid Daughter *Fenn*.

Whereby *Mary* his Widow became intitled to the Premiſſes for her Life,

Margaret the Daughter to a Moiety of the Reverſion, and

The

The four Grandchildren to the other Moiety thereof.

That the ſaid *Margaret* ſince her Father's Death hath married with *John Roe*, of *London*, Eſquire, and by Virtue of a matrimonial Contract or Settlement made after the *Scotch* Form, the ſaid *John Roe* is become intitled to the Eſtate and Intereſt of the ſaid *Margaret* in the Premiſſes.

That the Owners of the Premiſſes have an Opportunity of ſelling the ſame to Advantage, but by reaſon of the Minority of the ſaid *Mary*, *John*, *Jane*, and *James Fenn*, who are all Infants under the Age of four Years, a good Conveyance cannot be made without the Aid of Parliament.

Wherefore the Bill enacts,

That the Premiſſes given by ſaid Will in Truſt as aforeſaid, ſhall from the 20th Day of *March* 17 be veſted in certain Perſons in the Bill named, and their Heirs, in Truſt to ſell the ſame, and place out the Money on Government or other Security at Intereſt as in Bill, which is to be paid and divided as the Premiſſes would

have been in Caſe this Act had not been made.

There is a Clauſe,

Which declares, that until Sale, the Truſtees ſhall ſtand ſeized in Truſt for ſuch Eſtates as the Parties had before the making this Act.

And other Clauſes,

Which declare, that the Receipt of the Truſtees ſhall be a good Diſcharge to Purchaſers for the Payment of their Purchaſe-Money.

And declaring, that each Truſtee ſhall be accountable for his own Acts only, and be paid their Charges.

With a general Saving of Right,

To the King, the Lord of the Manor, and all others (not excepted by the Bill.)

The Judges having ſigned the Report fairly wrote, and the fair Draught of the Bill, take the Petition, Order of Reference, Report, and Bill, and tack them together at one Side of the Top of the Margin of the Bill with a Piece of Tape; and being ſo annexed, carry them together, with the Brief of the Bill, to the Houſe of

of Lords, and deliver them to the Clerk at the Table, and ſpeak to a Lord to take them up and preſent to the Houſe, or it will be taken up of Courſe; which being done, the Report of the Judges is read, and then the Bill is read the firſt Time, and ordered to be read a ſecond Time in a Day or two.

The Bill being ſo brought in, you muſt get it printed, and ready to be delivered to the Lords by the ſecond Reading; regularly it ſhould be before 'tis read at all; the printed Bills are to be delivered to the Clerk of the Parliament; but as few Lords attend, few of the Bills are diſpoſed of, but kept by the Door-Keepers, who ſell them in Lots every Seſſion.

On the ſecond Reading, the Bill is committed generally to all the Lords then preſent, of which Committee you may have a Copy.

On the ſecond Reading the Fees are paid to one of the Door-Keepers, amounting to 27 *l.* but if it be what they call a double Bill, then they increaſe the Fees to double the Sum.

It is the Order of the Houſe, that a private Bill be not committed for leſs than a Fortnight.

The Bill being committed, if it any ways interferes with any ſtanding Order of the Houſe, that is uſually diſpenſed with; you muſt draw a Caſe

a Caſe to ſhew the Reaſons for Diſpenſation, and give it to a Lord, to move that the Lords may be ſummon'd to take the Matter into Conſideration, which will be ordered for the next or ſome ſhort Day, when upon reading the Order of the Day, the Lord who made the Motion is called upon to give his Reaſons for a Diſpenſation; upon which it is ordered accordingly, if the Houſe thinks it reaſonable.

Then you are to take a Liſt of the Committee, and get ſuch Lords as you can to attend; five make a Committee; at this Committee you muſt have a printed Bill filled up, and alſo Bills upon the Table for each Lord, with the Blanks. The Clerk of the Committee reads the Judges Report and the Bill, when you muſt have your Witneſſes to prove the Allegations, and then the Bill paſſes the Committee, with the Blanks filled up on a ſeparate Paper by way of Amendments; then the Lord in the Chair reports the Bill with the Amendments to the Houſe; whereupon the Bill with the Amendments are ordered to be ingroſſed.

The Bill being ingroſſed may be read a third Time, when it paſſes, and then you fill up the Blanks in the Brief, and the Bill and Brief are carried down to the *Commons* by two Maſters in *Chancery*.

	l.	*s.*	*d.*
The Clerk of the Committee's Fee is — — —	2	2	0

The Ingroſſing Clerk makes out a Bill according to the Length, and charges a Guinea for every Order.

The Door-Keeper takes Committee Fees for the Uſher of the Black Rod, about Three Guineas, and it is uſual to give the Door-Keeper ſomething.

The Bill being brought to the *Commons*, you muſt have your printed Acts as paſſed the Lords, and give two to a Member, to move to take the Bill off the Table to be read the firſt Time; one he gives the Speaker, and the other he keeps himſelf.

The Bill being read at two different Times it is committed.

The Chairman of the Committee makes his Report of the Bill, at the Side-Bar of the Houſe, and then delivers the ſame to the Clerk of the Parliament, who reads it; and then the Speaker takes the Bill in his Hand, holds it up, and puts the laſt Queſtion, Whether the Bill ſhall paſs; and if carried by Majority of Voices, then it paſſes, and is returned to the Houſe of

Lords, where it lies for the Royal Aſſent, which is given in the following Manner; His Majeſty comes to the Houſe in great Grandeur, being drawn thither in his State-Coach by eight cream-coloured Horſes, preceded by moſt of the Nobility of the Kingdom; where, having his Crown and his Royal Robes on, he ſigns the Bill, the Clerk of the Parliament reads the Title of it, and declares the Royal Aſſent by ſaying, "*Le Roy* * *le veut.*"

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* The ingenious Author of *Obſervations on the Statutes*, ſays, "What might have contributed to continue our Laws in the *French* Language, ſeems to have aroſe from there being a ſtanding Committee in Parliament to receive Petitions from the Provinces of *France*, which formerly belonged to the Crown of *England*; and as theſe Petitions were in *French*, and the Anſwers likewiſe in that Language, it might probably be a Reaſon why all the Parliamentary Tranſactions ſhould be in *French* by way of Uniformity. This likewiſe ſeems to be the Reaſon of a Law receiving the Royal Aſſent in *French*, which, as Foreigners generally attend that Ceremony, ſhould be aboliſhed.—— I have heard of its being difficult to tranſlate theſe old Forms: I ſhould conceive that theſe three Words would anſwer every Purpoſe, and unexceptionably; BE IT SO. The Forms might likewiſe be tranſlated literally into *Engliſh*. *Obſerv. on the Statutes*. 35. *Note (s)*.

F I N I S.